

## Environmental Protection Agency

§ 97.710

begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the TR SO<sub>2</sub> Group 2 Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the TR SO<sub>2</sub> Group 2 Trading Program, is not a business day, the time period shall be extended to the next business day.

### § 97.708 Administrative appeal procedures.

The administrative appeal procedures for decisions of the Administrator under the TR SO<sub>2</sub> Group 2 Trading Program are set forth in part 78 of this chapter.

### § 97.709 [Reserved]

### § 97.710 State SO<sub>2</sub> Group 2 trading budgets, new unit set-asides, Indian country new unit set-aside, and variability limits.

(a) The State SO<sub>2</sub> trading budgets, new unit set-asides, and Indian country new unit set-asides for allocations of TR SO<sub>2</sub> Group 2 allowances for the control periods in 2012 and thereafter are as follows:

(1) *Alabama*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 216,033 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 4,321 tons.

(iii) [Reserved]

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 213,258 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 4,265 tons.

(vi) [Reserved]

(2) *Georgia*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 158,527 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 3,171 tons.

(iii) [Reserved]

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 135,565 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 2,711 tons.

(vi) [Reserved]

(3) *Kansas*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 41,980 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 798 tons.

(iii) The SO<sub>2</sub> Indian country new unit set-aside for 2012 and 2013 is 42 tons.

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 41,980 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 798 tons.

(vi) The SO<sub>2</sub> Indian country new unit set-aside for 2014 and thereafter is 42 tons.

(4) *Minnesota*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 41,981 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 798 tons.

(iii) The SO<sub>2</sub> Indian country new unit set-aside for 2012 and 2013 is 42 tons.

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 41,981 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 798 tons.

(vi) The SO<sub>2</sub> Indian country new unit set-aside for 2014 and thereafter is 42 tons.

(5) *Nebraska*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 68,162 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 2,658 tons.

(iii) The SO<sub>2</sub> Indian country new unit set-aside for 2012 and 2013 is 68 tons.

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 68,162 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 2,658 tons.

(vi) The SO<sub>2</sub> Indian country new unit set-aside for 2014 and thereafter is 68 tons.

(6) *South Carolina*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 96,633 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 1,836 tons.

(iii) The SO<sub>2</sub> Indian country new unit set-aside for 2012 and 2013 is 97 tons.

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 96,633 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 1,836 tons.

(vi) The SO<sub>2</sub> Indian country new unit set-aside for 2014 and thereafter is 97 tons.

(7) *Texas*. (i) The SO<sub>2</sub> trading budget for 2012 and 2013 is 294,471 tons.

(ii) The SO<sub>2</sub> new unit set-aside for 2012 and 2013 is 14,430 tons.

(iii) The SO<sub>2</sub> Indian country new unit set-aside for 2012 and 2013 is 294 tons.

(iv) The SO<sub>2</sub> trading budget for 2014 and thereafter is 294,471 tons.

(v) The SO<sub>2</sub> new unit set-aside for 2014 and thereafter is 14,430 tons.

(vi) The SO<sub>2</sub> Indian country new unit set-aside for 2014 and thereafter is 294 tons.

(b) The States' variability limits for the State SO<sub>2</sub> Group 2 trading budgets for the control periods in 2014 and thereafter are as follows:

(1) The SO<sub>2</sub> variability limit for Alabama is 38,386 tons.

(2) The SO<sub>2</sub> variability limit for Georgia is 24,402 tons.

(3) The SO<sub>2</sub> variability limit for Kansas is 7,556 tons.

(4) The SO<sub>2</sub> variability limit for Minnesota is 7,557 tons.

(5) The SO<sub>2</sub> variability limit for Nebraska is 12,269 tons.

(6) The SO<sub>2</sub> variability limit for South Carolina is 17,394 tons.

(7) The SO<sub>2</sub> variability limit for Texas is 53,005 tons.

(c) Each SO<sub>2</sub> Group 2 trading budget in this section includes any tons identified under a new unit set aside or Indian country new unit set aside, but excludes any tons in a variability limit.

[77 FR 10340, Feb. 21, 2012, as amended at 77 FR 10349, Feb. 21, 2012; 77 FR 34846, June 12, 2012]

#### § 97.711 Timing requirements for TR SO<sub>2</sub> Group 2 allowance allocations.

(a) *Existing units.* (1) TR SO<sub>2</sub> Group 2 allowances are allocated, for the control periods in 2012 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a TR SO<sub>2</sub> Group 2 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a TR SO<sub>2</sub> Group 2 unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2011, during the control period in two consecutive years, such unit will not be allocated the TR SO<sub>2</sub> Group 2 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All TR SO<sub>2</sub> Group 2 allowances that would otherwise have been allocated to such

unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate TR SO<sub>2</sub> Group 2 allowances to the unit in accordance with paragraph (b) of this section.

(b) *New units.* (1) New unit set-asides.

(i) By June 1, 2012 and June 1 of each year thereafter, the Administrator will calculate the TR SO<sub>2</sub> Group 2 allowance allocation to each TR SO<sub>2</sub> Group 2 unit in a State, in accordance with § 97.712(a)(2) through (7) and (12), for the control period in the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(ii) For each notice of data availability required in paragraph (b)(1)(i) of this section, the Administrator will provide an opportunity for submission of objections to the calculations referenced in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(1)(i) of this section and shall be limited to addressing whether the calculations (including the identification of the TR SO<sub>2</sub> Group 2 units) are in accordance with § 97.712(a)(2) through (7) and (12) and §§ 97.706(b)(2) and 97.730 through 97.735.

(B) The Administrator will adjust the calculations to the extent necessary to ensure that they are in accordance with the provisions referenced in paragraph (b)(1)(ii)(A) of this section. By August 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(i) of this section, the Administrator will promulgate a notice of data availability of any adjustments that the Administrator determines to be necessary with regard to allocations under § 97.712(a)(2) through (7) and (12) and the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(1)(ii)(A) of this section.

(iii) If the new unit set-aside for such control period contains any TR SO<sub>2</sub> Group 2 allowances that have not been allocated in the applicable notice of data availability required in paragraph